# OFFICIAL PROCEEDINGS MINNEAPOLIS CITY COUNCIL

# **REGULAR MEETING OF AUGUST 31, 2012**

(Published September 8, 2012, in *Finance and Commerce*)

Council Chamber 350 South 5th Street Minneapolis, Minnesota August 31, 2012 - 9:30 a.m.

Council President Johnson in the Chair.

Present - Council Members Quincy, Glidden, Goodman, Hodges, Samuels, Gordon, Reich, Hofstede, Schiff, Lilligren, Colvin Roy, Tuthill, President Johnson.

Lilligren moved adoption of the agenda. Seconded.

Glidden moved to amend the agenda to delete item #1 under Unfinished Business relating to the Rental Dwelling License for the property located at 4910 Newton Ave N. Seconded.

Adopted upon a voice vote.

Hofstede moved to amend the agenda to delete item #3 under Unfinished Business relating to the introduction of the subject matter of an ordinance amending Title 20 of the Minneapolis Code of Ordinances relating to *Zoning Code*, allowing veterinary clinic services. Seconded.

Adopted upon a voice vote.

The agenda, as amended, was adopted upon a voice vote.

Lilligren moved acceptance of the minutes of the adjourned session of August 15, 2012 and the regular meeting and the adjourned session of August 17, 2012. Seconded.

Adopted upon a voice vote.

Lilligren moved referral of petitions, communications, and reports of the City officers to the proper Council committees and departments. Seconded.

Adopted upon a voice vote.

### PETITIONS AND COMMUNICATIONS

### **AUDIT:**

INTERNAL AUDIT (275935)

School Based Clinics Electronic Health Record System: a) Pre-Implementation Review; and b) PowerPoint.

### COMMITTEE OF THE WHOLE (See Rep):

NEIGHBORHOOD AND COMMUNITY RELATIONS (275936)

2013 Neighborhood USA Conference: Amend existing partnership agreement to include Mpls Park & Recreation Board & authorize new agreement for hosting conference.

REGULATORY SERVICES (275937)

Annual Taxicab Meter Rate Adjustments: Authorizing one-year freeze.

# **COMMUNITY DEVELOPMENT:**

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (275938)

Bassett Creek Valley-Linden Yards Update Report.

### **COMMUNITY DEVELOPMENT (See Rep):**

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (275939)

Land Sales: 404 31st Ave N: Sale to PPL Homes LLC; 2611 Lyndale Ave N: Sale to Greater Metropolitan Housing Corp.

Fairview Health Services: Authorize execution of documents relating to reallocation of bond proceeds to other eligible projects.

Second Street Holdings, LLC (re 520 2nd St SE Housing Project): Final approval to issue bonds. GRANTS AND SPECIAL PROJECTS (275940)

2011 Consolidated Annual Performance & Evaluation Report.

### **COMMUNITY DEVELOPMENT and WAYS & MEANS/BUDGET:**

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (275941)

2011 Annual Tax Increment Report.

# COMMUNITY DEVELOPMENT and WAYS & MEANS/BUDGET (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (275942)

Minneapolis Common Bond Fund: Informational Report on status & reduction of fund reserves to support small business assistance programs.

# PUBLIC SAFETY, CIVIL RIGHTS & HEALTH (See Rep):

CIVIL RIGHTS (275943)

Equity in Employment: Received Equity and Employment Task Force Report and passage of Supporting Equity in Employment in Minneapolis and the Region resolution.

HEALTH AND FAMILY SUPPORT (275944)

Internship Agreement: Authorize agreement with Minneapolis Community and Technical College (MCTC) for students to serve internships with the Health department during the period of September 1, 2012 - August 31, 2017

HEALTH AND FAMILY SUPPORT (275945)

PHAC Appointment: Correct term date for appointment approved August 3, 2012 of Linda Brandt to the Public Health Advisory Committee, and approve re-appointment of Linda Brandt for an additional term as the Hennepin County Human Services and Public Health Representative to run January 1, 2013 - December 31, 2014.

### PUBLIC SAFETY, CIVIL RIGHTS & HEALTH and WAYS & MEANS/BUDGET (See Rep):

FINANCE AND PROPERTY SERVICES DEPARTMENT (275946)

Storage Space Lease: Authorize negotiation and execution of new five-year lease with Classic Space for storage space, in an amount not to exceed \$50,000 annually.

HEALTH AND FAMILY SUPPORT (275947)

Grant Application: Authorize application for three-year research grant from the US Department of Health and Human Services, not to exceed \$300,000 per year, beginning February 1, 2013, to develop a system encouraging father involvement in caregiving to support healthy outcomes for children and families.

REGULATORY SERVICES (275948)

Animal Care and Control Donations: Accept in-kind donation of dog and cat food and supplies from Renee Dayon, Debra Ahlman, Alyssa Ambroz, Dr. Terri Derr, and Kristan Miller.

### REGULATORY, ENERGY AND ENVIRONMENT (See Rep):

COORDINATOR (275949)

Mississippi Locks and Dams: Authorize submit comments to United States Army Corps of Engineers relating to its proposal to limit operating hours for locks located in Minneapolis on the River; and Direct staff to report to the Community Development Committee on the process of closing the upper harbor terminal, including a review of the Metropolitan Council's report of the economic impact related to the closure of the lock and dam.

LICENSES AND CONSUMER SERVICES (275950)

Licenses: Applications.

LICENSES AND CONSUMER SERVICES (275951)

Elevated Beer Wine & Spirits, 4135 Hiawatha Ave: Grant Off-Sale Liquor License.

Gorkha Palace, 23 4th St NE: Grant On-Sale Wine Class C-2 with Strong Beer License and Expansion of Premises for outdoor patio.

Gray House, 610 W Lake St: Grant On-Sale Wine Class E with Strong Beer License.

Piccolo, 4300 Bryant Ave S: Approve Amended Business Plan to expand interior seating.

LICENSES AND CONSUMER SERVICES (275952)

Tibet Kitchen Bar & Restaurant, 1833 Nicollet Ave: Approve Business License Operating Conditions relating to On-Sale Liquor Class B with Sunday Sales License.

Snap Fitness, 5409 Penn Ave S: Grant Extended Hours License to operate 24 hours per day.

REGULATORY SERVICES (275953)

Rental Dwelling License at 1038 19th Ave SE: Approve reinstatement of license to be held by Joel Hussong.

REGULATORY SERVICES (275954)

Rental Dwelling License at 2618 18th Ave S: Approve reinstatement of license to be held by Paul M. Wichmann.

## REGULATORY, ENERGY AND ENVIRONMENT and WAYS & MEANS/BUDGET (See Rep):

FINANCE DEPARTMENT (275955)

Haaf Parking Ramp Photovoltaic Installation: Execute Amendment No 1 to contract with West Central Telephone to increase the amount by \$15,038 to accommodate a change to the installation (utility relay) as required by Xcel Energy.

### TRANSPORTATION AND PUBLIC WORKS:

PUBLIC WORKS AND ENGINEERING (275956)

Ewing Municipal Parking Facility (50th St W and France Ave S): Set assessment public hearing for September 25, 2012.

Water and Sewer Service Line Repairs: Set assessment public hearing for October 23, 2012.

Snow and Ice Removal from Public Sidewalks: Set assessment public hearing for October 9, 2012.

### TRANSPORTATION AND PUBLIC WORKS (See Rep):

PUBLIC WORKS AND ENGINEERING (275957)

Van White Memorial Blvd Construction Project: Amend cost participation agreement with Hennepin County.

LynLake Municipal Parking Lots: Set impact fees through August 31, 2013.

### TRANSPORTATION AND PUBLIC WORKS and WAYS & MEANS/BUDGET (See Rep):

PUBLIC WORKS AND ENGINEERING (275958)

33rd Ave SE & Talmage Ave SE Reconstruction Project No 2225: Settlement agreement with Victory and Vision, LLC.

Martin Olav Sabo Bridge over Hiawatha Ave: Amend cooperative funding agreement with Hennepin County.

Bid: OP 7635, Second low bid of Municipal Builders, Inc. for storage and feed system at the Fridley Filtration Plant.

### **WAYS AND MEANS BUDGET:**

FINANCE AND PROPERTY SERVICES DEPARTMENT (275959)

2013 Budget Overview and 5-year financial direction: received and filed.

FINANCE AND PROPERTY SERVICES DEPARTMENT (275960)

Financial Status Report:

Received and filed second quarter 2012 update.

### WAYS AND MEANS BUDGET (See Rep):

ATTORNEY (275961)

Legal Settlement: Mahmoud Khan v. City of Minneapolis (Consolidated Assessment Appeal) relating to withdrawal of specified special assessments pending or levied against 3420 Chicago Ave S, 3557 Dupont Ave N, 2631 Newton Ave N, 4000 Dupont Ave N and 2906 Emerson Ave N.

COMMUNICATIONS (275962)

Utility billing insert: Approve October 2012 insert providing information from the Public Works department about fall street sweeping and yard bags and brush collection.

CONVENTION CENTER (275963)

Cedar Ridge Landscaping Contract Amendment: Authorize amendment to Contract C-28624 to extend the term through September 15, 2012, and increase the contract amount by \$18,461.88 to allow close out and final payment.

Doody Mechanical (now Metropolitan Mechanical Inc) Contract Amendment: Authorize amendment to Contract 03-00014A to extend the term through September 15, 2012, and increase the contract amount by \$121,987.98 to allow close out and final payment.

EXECUTIVE COMMITTEE (275964)

Collective Bargaining Agreement: Authorize execution of agreement between the City of Minneapolis and Plumbers Local No. 15, AFL-CIO, Water Works Maintenance Unit.

INFORMATION TECHNOLOGY (275965)

Gift Acceptances: Center for Digital Government for expenses related to CIO's participation in the annual re:public leadership retreat and CIO leadership group;Unisys Corporation for expenses related to CIO's conference registration and related expenses for participation in the Fall Unisys North America Exchange Forum; andMetropolitan Information Exchange (MIX) for expenses related to CIO's participation in their annual local government technology executive conference.

MAYOR (275966)

McKinsey Report Donation: Accept donation of report providing strategic analysis and findings related to preventing youth violence and promoting healthy youth development.

### **ZONING AND PLANNING:**

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (275967)

Stadium Village University Avenue Station Area Plan: Approve the Stadium Village University Avenue Station Area Plan document and amend the policy guidance for the area into the City's Comprehensive Plan, with the plan amendment subject to final review and approval by the Metropolitan Council.

### **ZONING AND PLANNING (See Rep):**

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (275968)

Linden Hills Moratorium Waiver, 4525, 4529, 4537 and 4541 France Ave S: Approve waiver from the moratorium on large-scale development within neighborhood commercial nodes and along community corridors in the Linden Hills Neighborhood to allow the applicant to proceed with the submittal of land use applications for a 60 unit, multi-family residential building that varies in height from two to four stories and has a floor area ratio of more than one and seven-tenths.

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (275969)

Remington Campus Apartments, 414 7th Ave SE: Approve rezoning the property from the R2B Two-family District and UA (University Area) Overlay District to the R5 Multiple-family District and UA Overlay District to allow for the conveyance of property to the abutting parcel to allow for the development of the mixed-use Andrew Riverside Project.

Penn and Plymouth NorthPoint Parking Lots, 2201 Plymouth Ave N, 1245 Penn Ave N and 2215 Plymouth Ave N: Approve interim use permit to allow two surface parking facilities to serve primarily the NorthPoint Health & Wellness Center, subject to conditions.

### **NEW BUSINESS (See Rep):**

COORDINATOR (275970)

Department of Regulatory Services Reorganization: Formation of Transition Committee.

REGULATORY SERVICES (275971)

Chapter 249 Property at 1916 Hillside Ave N: Approve waiver of 60-day waiting period so that the provisions of Chapter 249 may be implemented immediately.

### FILED:

CITY CLERK (275972)

Peavey Plaza: Transcripts related to the appeal from the decision of the Heritage Preservation Commission denying the demolition of Historic Resource Application.

CITY CLERK (275973)

Peavey Plaza: Transcripts relating to landscape architect services.

EJ DOUGHERTY OIL & STONE SUPPLY LLC (275974)

Vacate preliminary plat of EE-Jay Motor Transport addition: requested vacated land in combination with land under contract for purchase allows for enough space to execute proposed site plan.

The following reports were signed by Mayor Rybak on September 4, 2012, unless noted otherwise. Minnesota Statutes, Section 331A.01, Subd 10, allows for summary publication of ordinances and resolutions in the official newspaper of the city.

### REPORTS OF STANDING COMMITTEES

### The COMMITTEE OF THE WHOLE submitted the following reports:

Comm of the Whole - Your Committee, having under consideration expansion of 2013 Neighborhood USA Conference partnership, now recommends that the proper City officers be authorized to a) amend the existing partnership agreement between the City of Minneapolis and the Citizens for a Loring Park Community to add the Minneapolis Park and Recreation Board; and b) execute the necessary documents for a new partnership agreement between the City of Minneapolis, the Citizens for a Loring Park Community and the Minneapolis Parks and Recreation Board, to host the 2013 Neighborhoods USA conference under the amended agreement.

Lilligren moved to find under Council Rule 4 that the regular Council cycle is not adequate, and to consider the action of the Committee of the Whole from August 30, 2012, regarding taxicab meter rate adjustments at this meeting. Seconded.

Adopted by unanimous consent.

**Comm of the Whole** - Your Committee, having under consideration the requirement of an annual automatic adjustment of taxicab meter rates for the purpose of establishing a maximum meter fare rate, now recommends passage of the accompanying resolution enacting a one-year suspension of the automatic taxicab meter rate adjustment to facilitate a metropolitan wide synchronization of rates. Adopted.

Resolution 2012R-450, enacting a one year suspension of the automatic taxicab meter rate adjustment to facilitate a metropolitan wide synchronization of rates, was adopted by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

# RESOLUTION 2012R-450 By Glidden

Enacting a one year suspension of the automatic taxicab meter rate adjustment to facilitate a metropolitan wide synchronization of rates.

Whereas, the City of Minneapolis, pursuant to Minneapolis Code of Ordinances (MCO) Section 341.775, provides for an automatic adjustment of maximum taxicab meter rates based upon the Minneapolis Taxicab Cost Index; and

Whereas, application of the Minneapolis taxicab cost index for the pending annual period from October 1, 2012 through September 30, 2013 would result in an increase to maximum taxicab meter rates which would bring Minneapolis significantly out of alignment with other metropolitan taxicab regulatory authorities; and

Whereas, the City of Minneapolis possesses an interest in aligning its maximum taxicab rates with other local regulatory authorities;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That, notwithstanding MCO Section 341.775, there shall be no adjustment to the maximum taxicab meter rate for the period from October 1, 2012 through September 30, 2013.

Adopted.

## The COMMUNITY DEVELOPMENT Committee submitted the following reports:

**Comm Dev** - Your Committee recommends that the proper City officers be authorized to submit the City of Minneapolis 2011 Consolidated Annual Performance and Evaluation Report to the U.S. Department of Housing and Urban Development on August 29, 2012.

Adopted.

**Comm Dev** - Your Committee recommends passage of the accompanying resolution authorizing sale of the property at 404 31st Ave N to PPL Homes LLC for \$2,500, subject to the following conditions:

- a) Land sale closing must occur on or before 90 days from the date of City Council approval;
- b) Payment of holding costs of \$300 per month (or portion thereof) if land sale closing does not occur on or before the closing deadline.

The sale conditions may be waived or amended with the approval of the Director of the Department of Community Planning & Economic Development.

Resolution 2012R-451, authorizing sale of land Neighborhood Stabilization Program Disposition Parcel No. 3R007 at 404 31st Ave N, was adopted by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

# RESOLUTION 2012R-451 By Goodman

Authorizing sale of land Neighborhood Stabilization Program Disposition Parcel No. 3R007 at 404 31st Ave N.

Whereas, the City of Minneapolis, hereinafter known as the City, has received an offer to purchase and develop Disposition Parcel 3R007, in the Hawthorne neighborhood, from PPL Homes LLC, hereinafter known as the Redeveloper, the Parcel 3R007, being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

LEGAL DESCRIPTION of 3R007; 404 31st Avenue North: Lots 5 and 6, Block 7, Morrison's Addition to North Minneapolis, EXCEPT the West 82.5 feet of said Lots 5 and 6, and EXCEPT the East 41.25 feet of said Lots 5 and 6, according to the recorded plat thereof, and situate in Hennepin County, Minnesota; and

Whereas, the Redeveloper has offered to pay the sum of \$2,500, for Parcel 3R007 to the City for the land, and the Redeveloper's proposal is in accordance with the applicable Redevelopment Plan and/or Program: and

Whereas, the Redeveloper has submitted to the City a statement of financial responsibility and qualifications; and

Whereas, the City has had the re-use value reviewed by an appraisal expert, stating that the re-use value opinion is consistent with the accepted methods in aiding the City in determining a re-use value for the Parcel: and

Whereas, pursuant to due notice thereof published in *Finance and Commerce* on August 10, 2012, a public hearing on the proposed sale was duly held on August 21, 2012, at the regularly scheduled Community Development Committee meeting of the City Council, at the Minneapolis City Hall, 350 South 5th Street, Room 317, at 1:30 p.m., in the City of Minneapolis, County of Hennepin, State of Minnesota:

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the re-use value for uses in accordance with the Neighborhood Stabilization Program plan, as amended, is hereby estimated to be the sum of \$2,500 for Parcel 3R007.

Be It Further Resolved that the acceptance of the offer and proposal is hereby determined to be in accordance with the City's approved disposition policy and it is further determined that the Redeveloper possesses the qualifications and financial resources necessary to acquire and develop the parcel in accordance with the Redevelopment Plan and/or Program.

Be It Further Resolved that the proposal be and the same is hereby accepted, subject to the execution of a contract for the sale of land and further subject to the following conditions; 1) land sale closing must occur on or before 90 days from the date this Resolution is approved by the City and 2) payment of holding costs of \$300.00 per month (or portion thereof) if the land sale closing does not occur on or before the closing deadline.

Be It Further Resolved that the sale conditions described above may be waived or amended with the approval of the Department of Community Planning & Economic Development Director.

Be It Further Resolved that upon publication of this Resolution, the Finance Officer or other appropriate official of the City be and the same is hereby authorized to execute and deliver the contract to the Redeveloper; provided, however, that this Resolution does not constitute such a contract and no such contract shall be created until executed by the Finance Officer or other appropriate official of the City.

Be It Further Resolved that the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver a conveyance of the land to the Redeveloper in accordance with the provisions of the executed contract and upon payment to the City for the purchase price thereof; provided, however, that this Resolution does not constitute such a conveyance and no such conveyance

shall be created until executed and delivered by the Finance Officer or other appropriate City official of the City.

Adopted.

**Comm Dev** - Your Committee recommends passage of the accompanying resolution authorizing sale of the property at 2611 Lyndale Ave N to Greater Metropolitan Housing Corporation for \$1,000, plus reimbursement of additional acquisition and holding costs, subject to the following conditions:

- a) Land sale closing must occur on or before 90 days from the date of City Council approval;
- b) Payment of holding costs of \$300 per month (or portion thereof) if land sale closing does not occur on or before the closing deadline.

The sale conditions may be waived or amended with the approval of the Director of the Department of Community Planning & Economic Development.

Adopted.

Resolution 2012R-452, authorizing sale of land Neighborhood Stabilization Program Disposition Parcel No 3R006 at 2611 Lyndale Ave N, was adopted by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

# RESOLUTION 2012R-452 By Goodman

Authorizing sale of land Neighborhood Stabilization Program Disposition Parcel No 3R006 at 2611 Lyndale Ave N.

Whereas, the City of Minneapolis, hereinafter known as the City, has received an offer to purchase and develop Disposition Parcel 3R006 in the Hawthorne Neighborhood, from Greater Metropolitan Housing Corporation, hereinafter known as the Redeveloper, the Parcel(s) 3R006, being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

LEGAL DESCRIPTION of 3R006; 2611 Lyndale Avenue North: Lot 5, Block 4, Fairmount Park Addition to Minneapolis; and

Whereas, the Redeveloper has offered to pay the sum of \$1,000 plus reimbursement for City acquisition and holding costs, for Parcel 3R006; the offer includes a development plan and commitment to improve by rehabilitating the existing structure. This offer is in accordance with the Redevelopment Plan and/or Program; and

Whereas, the Redeveloper has submitted to the City a statement of financial responsibility and qualifications; and

Whereas, the City has had the re-use value reviewed by an appraisal expert, stating that the re-use value opinion is consistent with accepted methods of aiding the City in determining a re-use value for the Parcel; and

Whereas, pursuant to due notice thereof published in Finance and Commerce on Friday, August 10, 2012, a public hearing on the proposed sale was duly held on August 21, 2012, at the Minneapolis City Hall, 350 South 5th Street, Room 317, at 1:30 p.m., in the City of Minneapolis, County of Hennepin, State of Minnesota:

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the re-use value, for uses in accordance with the Neighborhood Stabilization Program plan, as amended, is hereby estimated to be the sum of \$5,000, however, in accordance with public purpose consideration including extraordinary rehabilitative costs, the City is selling Parcel 3R006 for the sum of \$1,000 plus reimbursement of City acquisition and holding costs.

Be It Further Resolved that the acceptance of the offer and proposal is hereby determined to be in accordance with the City's approved disposition policy and it is further determined that the Redeveloper possesses the qualifications and financial resources necessary to acquire and develop the Parcel in accordance with the Redevelopment Plan and/or Program.

Be It Further Resolved that the proposal be and the same is hereby accepted, subject to the execution of a contract for the sale of land and further subject to the following conditions; 1) land sale closing must occur on or before 90 days from the date this Resolution is approved by the City and 2) payment of holding costs of \$300.00 per month (or portion thereof) if the land sale closing does not occur on or before the closing deadline.

Be It Further Resolved that the sale conditions described above may be waived or amended with the approval of the Department of Community Planning & Economic Development Director.

Be It Further Resolved that upon publication of this Resolution the Finance Officer or other appropriate official of the City be and the same is hereby authorized to execute and deliver the contract to the Redeveloper; provided, however, that this Resolution does not constitute such a contract and no such contract shall be created until executed by the Finance Officer or other appropriate official of the City.

Be It Further Resolved that the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver a conveyance of the land to the Redeveloper in accordance with the provisions of the executed contract and upon payment to the City for the purchase price thereof; provided, however, that this Resolution does not constitute such a conveyance and no such conveyance shall be created until executed and delivered by the Finance Officer or other appropriate official of the City.

Adopted.

**Comm Dev** – Your Committee, having under consideration the request by Fairview Health Services to amend documents related to Series 2008 bonds due to the sale of the Fairview Red Wing facility to Mayo Clinic, now recommends passage of the accompanying resolution authorizing the execution of required documents to reallocate bond proceeds to other eligible projects for Fairview Health Services, as set forth in the Department of Community Planning & Economic Development staff report.

Adopted.

Resolution 2012R-453, giving approval to allocation of proceeds of revenue bonds previously issued on behalf of Fairview Health Services, was adopted by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

# RESOLUTION 2012R-453 By Goodman

Giving approval to allocation of proceeds of revenue bonds previously issued on behalf of Fairview Health Services.

Whereas, this Council has previously issued its Health Care System Revenue Bonds, Series 2008 (Fairview Health Services) (the "Bonds") on behalf of Fairview Health Services, a Minnesota nonprofit corporation, and its affiliates (the "Corporation"); and

Whereas, proceeds of the Bonds in the approximate amount of \$53,168,591.20 (the "Red Wing Proceeds") were applied to facilities owned by the Corporation in the City of Red Wing, Minnesota (the "Red Wing Facilities"); and

Whereas, in connection with the withdrawal of Fairview Red Wing Health Services ("FRWHS"), Fairview Seminary Plaza ("FSP"), Fairview Seminary Home ("FSH") and Fairview Regional Community Services ("FRCS") as Obligors under the Master Trust Indenture dated as of November 1, 1985, as amended and supplemented, between Fairview, the other obligors and U.S. Bank National Association, the Red Wing Facilities are no longer owned by the Corporation; and

Whereas, pursuant to that certain Closing Agreement on Final Determination Covering Specific Matters among the City of Minneapolis (the "City"), the Corporation and the Internal Revenue Service (the "Closing Agreement"), the Corporation must either reallocate the Red Wing Proceeds to certain projects to be undertaken by the Corporation or use the Red Wing Proceeds to redeem or defease a proportional amount of the Bonds on or before June 30, 2014; and

Whereas, the Corporation owns and operates (i) University of Minnesota Medical Center, Fairview, located at 500 Harvard Street in the City, which consists of hospital and other health care-related facilities (the "UMMC Facilities"), (ii) Fairview Southdale Hospital, an acute care hospital and other health care-related facilities located at 6401 and 6400 France Avenue South, Edina, Minnesota (the "Edina Facilities"), (iii) Fairview Ridges Hospital, an acute care hospital and other health care-related facilities located at 201 East Nicollet Boulevard, Burnsville, Minnesota (the "Burnsville Facilities") and (iv) University of Minnesota Amplatz Children's Hospital located at 2450 Riverside Avenue in the City (the "Amplatz Facilities"); and

Whereas, the Corporation intends to allocate the Red Wing Proceeds to (a) expansion and renovation of the bone marrow transplant and intensive care units at the UMMC Facilities; (b) expansion and renovation of the Edina Facilities, including addition of a lower level shell foundation, three floors above grade (to be used for the emergency department as well as future expansion) and a helipad; (c) the addition and renovation of the Burnsville Facilities, including construction of a 16-bed observation unit; clinical laboratory relocation / expansion; a new public entry space, access and skyway link; (d) construction of a new primary care clinic adjacent to and in replacement of the Corporation's existing clinic located at 11725 Stinson Avenue, Chisago City, Minnesota and (e) remaining costs of the Amplatz Facilities (collectively, the "Projects"); and

Whereas, at a public hearing, duly noticed and held on August 21, 2012, in accordance with Section 147(f) of the Internal Revenue Code of 1986, as amended, on the proposal to finance the Projects, all parties who appeared at the hearing were given an opportunity to express their views with respect to the proposal to allocate the Red Wing Proceeds to the Projects, and interested persons were given the opportunity to submit written comments to the City Clerk before the time of the hearing;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That this Council hereby approves the allocation of the Red Wing Proceeds to the Projects.

Be It Further Resolved that the Finance Officer is authorized and directed to execute the Closing Agreement and all other officers of the City are hereby authorized and directed to execute and deliver all other documents which may be required and to take such other action as may be required or appropriate to carry out the purposes described herein.

Be It Further Resolved that in the absence or disability of the Mayor, the City Clerk, the City Finance Officer or any other officer of the City named in any instrument to be executed on behalf of the City in connection with the actions described herein, the acting Mayor, Assistant City Clerk, Assistant Finance Officer or other officer may execute such instrument. The execution of any instrument by an officer of the City shall be conclusive evidence of its approval.

Adopted.

**Comm Dev** – Your Committee, having under consideration the issuance of revenue bonds on behalf of Second Street Holdings, LLC for the 520 2nd St SE housing project, now recommends passage of the accompanying resolution giving final approval to the issuance of up to \$7,500,000 in Tax-exempt Multi-Family Housing Entitlement Revenue Bonds for said project.

Adopted.

Resolution 2012R-454, authorizing the issuance, sale and delivery of Housing Revenue Bonds (for the 520 Second St Apartments Project), Series 2012; approving the form of and authorizing the execution and delivery of the bonds; and related documents; providing for the security, rights, and remedies with respect to the bonds; and granting approval for certain other actions with respect thereto, was adopted by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

### RESOLUTION 2012R-454 By Goodman

Authorizing the issuance, sale and delivery of Housing Revenue Bonds (520 Second Street Apartments Project), Series 2012; Approving the form of and authorizing the execution and delivery of the bonds; and related documents; Providing for the security, rights, and remedies with respect to the bonds; and Granting approval for certain other actions with respect thereto.

Resolved by The City Council of The City of Minneapolis:

- 1. STATUTORY AUTHORIZATION. The City of Minneapolis, Minnesota (the "City"), is a home rule city and political subdivision duly organized and existing under its Charter and the Constitution and laws of the State of Minnesota, and is authorized by Minnesota Statutes, Chapter 462C, as amended (the "Housing Act"), to carry out the public purposes described in the Housing Act by issuing revenue bonds or other revenue obligations to finance multifamily housing developments located within the City. In the issuance of the City's revenue bonds and other revenue obligations and in the making of loans to finance multifamily housing developments, the City may exercise, within its corporate limits, any of the powers that the Minnesota Housing Finance Agency may exercise under Minnesota Statutes, Chapter 462A, as amended, without limitation under the provisions of Minnesota Statutes, Chapter 475, as amended.
- 2. THE BORROWER AND THE PROJECT. 520 Second Street Apartments Limited Partnership, a Minnesota limited partnership (the "Borrower"), has requested the participation of the City in the financing of the acquisition, construction, and equipping of a 91-unit multifamily rental housing development and facilities functionally related and subordinate thereto, located at 520 Southeast Second Street in the City to be owned by the Borrower (the "Project").
- 3. THE HOUSING PROGRAM. A Program for a Multifamily Housing Development (the "Housing Program") with respect to the Project and the proposed issuance of revenue obligations to finance the Housing Program and the Project was prepared pursuant to the requirements of Section 462C.03, subdivision 1a, of the Housing Act, and is on file with the City. The Housing Program was submitted to the Metropolitan Council for its review and comments in accordance with the requirements of the Housing Act.
- 4. PUBLIC HEARING AND PRELIMINARY RESOLUTION. The Community Development Committee of the Minneapolis City Council, on behalf of the City, held a public hearing on September 22, 2011, with respect to the Housing Program and the proposed issuance of revenue obligations to finance the Project. The public hearing was conducted at least fifteen (15) days after the publication in a newspaper of general circulation in the City of a notice of such public hearing. At a meeting held on October 7, 2011, the City Council of the City adopted Resolution 2011R-494 which approved and adopted the Housing Program and granted preliminary approval to the issuance of revenue obligations of the City in a principal amount of approximately \$7,500,000 to finance the Project.
- 5. THE BONDS. The Borrower has requested that the City issue its Housing Revenue Bonds (520 Second Street Apartments Project), Series 2012 (the "Bonds"), in an aggregate principal amount of \$7,500,000, for the benefit of the Borrower, pursuant to the terms of a Trust Indenture, dated on or after September 1, 2012 (the "Indenture"), between the City and a trustee to be selected by the Borrower (the "Trustee"). The Borrower has requested that the City loan the proceeds derived from the sale of the Bonds to the Borrower pursuant to the terms of a Loan Agreement, dated on or after September 1, 2012 (the "Loan Agreement"), between the City and the Borrower. The Borrower proposes to apply the proceeds of the loan made pursuant to the terms of the Loan Agreement (the "Loan") to the payment of a portion of the costs of the acquisition, construction, and equipping of the Project and related costs.

- 6. OBLIGATIONS OF THE CITY. The City acknowledges, finds, determines, and declares that the issuance of the Bonds is authorized by the Housing Act and is consistent with the purposes of the Housing Act and that the issuance of the Bonds, and the other actions of the City under the Indenture, the Loan Agreement, and this resolution constitute a public purpose and are in the interests of the City. In authorizing the issuance of the Bonds for the financing of the Project and related costs, the City's purpose is and the effect thereof will be to promote the public welfare of the City and its residents by providing multifamily housing developments for low or moderate income residents of the City and otherwise furthering the purposes and policies of the Housing Act. The Bonds will be issued pursuant to the terms of the Indenture and this resolution and the Bonds and the interest on the Bonds: (i) shall be payable solely from the revenues pledged therefor under the Loan Agreement; (ii) shall not constitute a debt of the City within the meaning of any constitutional or statutory limitation; (iii) shall not constitute nor give rise to a pecuniary liability of the City or a charge against its general credit or taxing powers; (iv) shall not constitute a charge, lien, or encumbrance, legal or equitable, upon any property of the City other than the City's interest in the Loan Agreement; and (v) shall not constitute a general or moral obligation of the City.
- 7. ISSUANCE OF THE BONDS. For the purposes set forth above, there is hereby authorized the issuance, sale, and delivery of the Bonds in the maximum aggregate principal amount not to exceed \$7,500,000. The City hereby authorizes the Bonds to be issued as "tax-exempt bonds," the interest on which is not includable in gross income for federal and State of Minnesota income tax purposes. The City shall allocate a portion of the annual volume cap within the control of the City to the Bonds pursuant to the terms and conditions of Minnesota Statutes, Chapter 474A, as amended, and Section 146 of the Internal Revenue Code of 1986, as amended (the "Code"). The Bonds, substantially in the forms set forth in the Indenture now on file with the City, are hereby approved with the amendments referenced herein. All of the provisions of the Bonds, when executed as authorized herein, shall be deemed to be a part of this resolution as fully and to the same extent as if incorporated verbatim herein and shall be in full force and effect from the date of execution and delivery thereof. The Bonds shall bear interest at the rates, shall be designated, shall be numbered, shall be dated, shall mature, shall be issued in the aggregate principal amount, shall be subject to redemption prior to maturity, shall be in such forms, and shall have such other terms, details, and provisions as are prescribed in the Indenture, in the form now on file with the City, which form is hereby approved, with such necessary and appropriate variations, omissions, and insertions (including changes to the aggregate principal amount of the Bonds, the stated maturities of the Bonds, the interest rates on the Bonds, and the terms of redemption of the Bonds) as the Finance Officer, in his discretion, shall determine. The execution of the Bonds with the manual or facsimile signature of the Finance Officer and the delivery of the Bonds by the City shall be conclusive evidence of such determination.

The Bonds shall be special limited obligations of the City payable solely from the revenues provided by the Borrower pursuant to the terms of the Loan Agreement and from the revenues and security pledged, assigned, and granted pursuant to the Indenture and any other security documents provided by the Borrower to the Trustee. As provided in the Loan Agreement, the Bonds shall not be payable from nor charged upon any funds other than the revenue pledged to their payment, nor shall the City be subject to any liability thereon, except as otherwise provided in this paragraph. No holder of the Bonds shall ever have the right to compel any exercise by the City of any taxing powers of the City to pay the Bonds or the interest or premium thereon, or to enforce payment thereof against any property of the City except the interests of the City in the Loan Agreement and the revenues and assets thereunder, which will be assigned to the Trustee under the terms of the Indenture. The Bonds shall recite that the Bonds are issued pursuant to the Housing Act, and that the Bonds, including interest and premium, if any, thereon, are payable solely from the revenues and assets pledged to the payment thereof, and the Bonds shall not constitute a debt of the City within the meaning of any constitutional or statutory limitations.

8. THE INDENTURE. The Indenture is hereby approved and the Finance Officer is hereby authorized to execute and deliver the Indenture on behalf of the City. All of the provisions of the Indenture, when executed and delivered as authorized herein, shall be deemed to be a part of this resolution as fully and to the same extent as if incorporated verbatim herein and shall be in full force and effect from the date of execution and delivery thereof. The Indenture shall be substantially in the form now on file with the City with such necessary and appropriate variations, omissions, and insertions as do

not materially change the substance thereof, or as the Finance Officer, in his discretion, shall determine, and the execution and delivery thereof by the Finance Officer shall be conclusive evidence of such determination.

- 9. THE LOAN AGREEMENT. The Finance Officer is hereby authorized and directed to execute and deliver the Loan Agreement. The loan repayments to be made by the Borrower under the Loan Agreement are to be fixed so as to produce revenues sufficient to pay the principal of, premium, if any, and interest on the Bonds when due. All of the provisions of the Loan Agreement, when executed and delivered as authorized herein, shall be deemed to be a part of this resolution as fully and to the same extent as if incorporated verbatim herein and shall be in full force and effect from the date of execution and delivery thereof. The Loan Agreement shall be substantially in the form on file with the City which is hereby approved, with such omissions and insertions as do not materially change the substance thereof, and as the Finance Officer, in his discretion, shall determine, and the execution thereof by the Finance Officer shall be conclusive evidence of such determinations.
- 10. SECURITY. The City hereby approves the execution by the Borrower and delivery to the Trustee of: (i) any mortgage or security agreements granting a mortgage lien or security interest with respect to the Project or any portion thereof to the Trustee; (ii) one or more collateral assignments of the contracts between the Borrower and the architect and contractor with respect to the Project; (iii) one or more indemnity agreements; and (iv) other security documents that are intended to ensure timely payment of the Loan and the Bonds. The City hereby approves the execution and delivery by one or more guarantors of one or more guaranty agreements pursuant to which the obligations of the Borrower under the Loan Agreement are guaranteed by such guarantors. The City hereby approves a disbursing agreement, between the Borrower, the Trustee, and a disbursing agent to be selected by the Borrower, to provide for the disbursement of the proceeds of the Bonds and the Loan. All such security documents, if any are delivered, shall be substantially in the forms authorized by the Borrower.
- 11. THE REGULATORY AGREEMENT. To ensure continuing compliance with certain rental and occupancy restrictions imposed by the Housing Act and Section 142(d) of the Code, and to ensure continuing compliance with certain restrictions imposed by the City, the Finance Officer is hereby authorized and directed to execute and deliver a Regulatory Agreement, dated on or after September 1, 2012 (the "Regulatory Agreement"), between the City, the Borrower, and the Trustee. The Regulatory Agreement shall be substantially in the form on file with the City which is hereby approved, with such omissions and insertions as do not materially change the substance thereof, or as the Finance Officer, in his discretion, shall determine, and the execution thereof by the Finance Officer shall be conclusive evidence of such determinations. All of the provisions of the Regulatory Agreement, when executed and delivered as authorized herein, shall be deemed to be a part of this resolution as fully and to the same extent as if incorporated verbatim herein and shall be in full force and effect from the date of execution and delivery thereof.
- 12. OTHER CITY DOCUMENTS. The Finance Officer is hereby authorized to execute and deliver, on behalf of the City, such other documents and certificates as are necessary or appropriate in connection with the issuance, sale, and delivery of the Bonds, including a Bond Purchase Agreement, dated on or after the pricing date of the Bonds, between the City, the Borrower, and Piper Jaffray & Co., as original purchaser of the Bonds, one or more consents to the assignment of a development agreement, tax increment revenues, and other funds made available to the Borrower and the Project by the City, various certificates of the City, an Information Return for Tax-Exempt Private Activity Bond Issues, Form 8038, with respect to the Bonds, a certificate as to arbitrage and rebate, and similar documents, appropriate amendments to the Housing Program, and all other documents and certificates as the Finance Officer shall deem to be necessary or appropriate in connection with the issuance, sale, and delivery of the Bonds. The City hereby authorizes Kennedy & Graven, Chartered, as bond counsel to the City ("Bond Counsel"), to prepare, execute, and deliver its approving legal opinions with respect to the Bonds.

- 13. DISCLOSURE DOCUMENTS. The City will not participate in the preparation of an official statement or other disclosure document relating to the offer and sale of the Bonds (the "Disclosure Document"), and will make no independent investigation with respect to the information contained in the Disclosure Document, including the appendices thereto, and the City assumes no responsibility for the sufficiency, accuracy, or completeness of such information. The City hereby approves the Continuing Disclosure Undertaking, dated on or after September 1, 2012 (the "Continuing Disclosure Undertaking"), by the Borrower for the benefit of the Trustee, in the form now on file with the City.
- 14. SUBSEQUENT AMENDMENTS. On any date subsequent to the date of issuance of the Bonds, the Finance Officer is hereby authorized to execute and deliver any amendments or supplements to any of the documents referred to in this resolution on behalf of the City if, after review by the City Attorney and Bond Counsel, the Finance Officer determines that the execution and delivery of such amendment or supplement is in the interests of the City. The Finance Officer may impose any terms or conditions on his execution and delivery of any such amendment or supplement as the Finance Officer deems appropriate.
- 15. LIMITATIONS OF LIABILITY. No covenant, stipulation, obligation, or agreement herein contained or contained in the aforementioned documents shall be deemed to be a covenant, stipulation, obligation, or agreement of any member of the City Council of the City, or any officer, agent, or employee of the City in that person's individual capacity, and neither the City Council of the City nor any officer or employee executing the Bonds shall be personally liable on the Bonds or be subject to any personal liability or accountability by reason of the issuance thereof. No provision, covenant, or agreement contained in the aforementioned documents, the Bonds, or in any other document relating to the Bonds, and no obligation therein or herein imposed upon the City or the breach thereof, shall constitute or give rise to a general or moral obligation of the City or any pecuniary liability of the City or any charge upon its general credit or taxing powers. In making the agreements, provisions, covenants, and representations set forth in such documents, the City has not obligated itself to pay or remit any funds or revenues, other than funds and revenues derived from the Loan Agreement, which are to be applied to the payment of the Bonds, as provided therein.

Except as herein otherwise expressly provided, nothing in this resolution or in the aforementioned documents expressed or implied, is intended or shall be construed to confer upon any person or firm or corporation, other than the City, and any holders of the Bonds issued under the provisions of this resolution, any right, remedy or claim, legal or equitable, under and by reason of this resolution or any provisions hereof, this resolution, the aforementioned documents, and all of their provisions being intended to be and being for the sole and exclusive benefit of the City, the Borrower, the Trustee, and registered and beneficial owners from time to time of the Bonds issued under the provisions of this resolution.

- 16. SEVERABILITY. In case any one or more of the provisions of this resolution, other than the provisions limiting the liability of the City, or of the aforementioned documents, or of the Bonds issued hereunder shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provision of this resolution, or of the aforementioned documents, or of the Bonds, but this resolution, the aforementioned documents, and the Bonds shall be construed and endorsed as if such illegal or invalid provisions had not been contained therein.
- 17. VALIDITY OF THE BONDS. The Bonds, when executed and delivered, shall contain a recital that they are issued pursuant to the Housing Act, and such recital shall be conclusive evidence of the validity of the Bonds and the regularity of the issuance thereof, and that all acts, conditions, and things required by the laws of the State of Minnesota relating to the adoption of this resolution, to the issuance of the Bonds, and to the execution of the aforementioned documents to happen, exist, and be performed precedent to the execution of the aforementioned documents have happened, exist, and have been performed as so required by law.

- 18. ADDITIONAL ACTIONS. The officers of the City, the City Attorney, Bond Counsel, other attorneys, engineers, and other agents or employees of the City are hereby authorized to do all acts and things required of them by or in connection with this resolution, the aforementioned documents, and the Bonds, for the full, punctual, and complete performance of all the terms, covenants, and agreements contained in the Bonds, the aforementioned documents, and this resolution.
- 19. DESIGNATION AS PROGRAM BONDS. The Bonds are hereby designated "Program Bonds" and are determined to be within the "Economic Development Program" and the "Program," all as defined in Resolution 88R-021 of the City adopted January 29, 1988, and as amended by Resolution 1997R-402 of the City adopted December 12, 1997.
- 20. FEES AND INDEMNIFICATION. The Borrower has agreed to pay the administrative fees of the City in accordance with the policy and procedures of the City. It is hereby determined that any and all costs incurred by the City in connection with the financing of the Project will be paid by the Borrower. It is understood and agreed by the Borrower that the Borrower shall indemnify the City against all liabilities, losses, damages, costs, and expenses (including attorney's fees and expenses incurred by the City) arising with respect to the Project or the Bonds, as provided for and agreed to by and between the Borrower and the City in the Loan Agreement.
- 21. EFFECTIVE DATE. This resolution shall take effect and be in force from and after its approval and publication. Pursuant to Chapter 4, Section 9, of the Charter of the City, only the title of this resolution and a summary of this resolution conforming to Minnesota Statutes, Section 331A.01, subdivision 10, shall be published in the official paper of the City.

  Adopted.

# The COMMUNITY DEVELOPMENT and WAYS & MEANS/BUDGET Committees submitted the following report:

**Comm Dev & W&M/Budget** - Your Committee, having under consideration the informational report on the status of the Minneapolis Common Bond Fund (CBF) and the reduction of the Common Bond Fund Reserves to support the City's Small Business Assistance Programs, now recommends:

- a) That said report be received and filed;
- b) That the proper City officers be authorized to transfer up to \$1.4 million of funds currently held by the CBF Trustee, Wells Fargo Bank, in the General Agency Reserve IDB-Tax-Exempt B Account to the City directed Fund 07ERZ, within the CBF accounts, to be used to support the small business assistance programs of the City; and
- c) Passage of the accompanying resolution increasing the revenue budget for the Community Planning & Economic Development Agency Fund 07ERZ- GARFS by \$1,400,000.
   Adopted.

# RESOLUTION 2012R-455 By Goodman and Hodges

### Amending the 2012 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the revenue source in the Department of Community Planning and Economic Development 07ERZ-GARFS Fund (07ERZ-8900330-333501) by \$1,400,000.

### The PUBLIC SAFETY, CIVIL RIGHTS & HEALTH Committee submitted the following reports:

**PSC&H** – Your Committee recommends the proper City officers be authorized to execute an agreement with the Minnesota State Colleges and Universities, through its Minneapolis Community and Technical College (MCTC), to allow students to serve internships in the Health Department during the period September 1, 2012 through August 31, 2017. Further, authorizing entering into subsequent agreements with individual programs of MCTC related to specific internships during this five-year period, and authorization for the Commissioner of Health to approve programmatic adjustments to agreements as needed.

Adopted.

**PSC&H** – Your Committee recommends that the term approved by the City Council on August 3, 2012 in appointing Linda Brandt as the Hennepin County Human Services and Public Health Representative to the Public Health Advisory Committee be corrected to reflect the actual dates of the remainder of the term she was appointed to serve, running through December 31, 2012. Further, that Linda Brandt be reappointed to a new two-year term to run January 1, 2013 through December 31, 2014. Adopted.

**PSC&H** – Your Committee, having under consideration the Equity in Employment Task Force Report and recommendations, now recommends that the report be received and filed and passage of the accompanying resolution *Supporting Equity in Employment in Minneapolis and the Region*. Adopted.

Resolution 2012R-456, *Supporting Equity in Employment in Minneapolis and the Region*, was adopted by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

# RESOLUTION 2012R-456 By Gordon, Samuels, Glidden, Hodges, and Lilligren

### Supporting Equity in Employment in Minneapolis and the Region.

Whereas, data from the July 2, 2012 report *Black Metropolitan Unemployment in 2011*, by Dr. Algernon Austin from the Economic Policy Institute, showed the worst black-white unemployment rate disparity was in the Minneapolis metropolitan area, where the black unemployment rate was 3.3 times the white rate: and

Whereas, the Economic Policy Institute suggests that institutional racism – defined as racism that occurs when organizational programs, policies or procedures result, whether intentionally or unintentionally, in discriminatory treatment, unfair practices, and inequitable impacts based on race and/or ethnicity – is a primary reason for unemployment disparity; and

Whereas, the Minnesota State Demographer reported on June 22, 2012 that the average unemployment rate was 7% for whites and 18% for nonwhites in Minneapolis over the period from 2008 – 2010; and

Whereas, in October 2010, a Minneapolis commissioned disparity study, *The State of Minority- and Women-Owned Business Enterprise: Evidence from Minneapolis*, concluded that racial disparities in employment were "large and statistically significant" and that "these disparities are consistent with the presence of market-wide discrimination"; and

Whereas, the City's workforce – roughly 77% white and 23% nonwhite – does not reflect the diversity of Minneapolis residents, which is roughly 60% white and 40% nonwhite; and

Whereas, 83% of jobs in Minneapolis are filled by white workers and only 17% are filled by people of color; and

Whereas, the United States Census Bureau reported in 2010 that 39.6% of nonwhite residents of Minneapolis lived in poverty, compared to 13.1% of whites; and

Whereas, in 2008 the Minneapolis City Council established an Equity in Employment Task Force comprised of City and Hennepin County staff, social service providers and community stakeholders; and

Whereas, in 2009 the Task Force was made a formal committee of the Minneapolis Workforce Council and helped the City Council identify an employment and poverty sustainability target and indicators; and

Whereas, in 2010 the City's Equity in Employment Task Force established a Stakeholder and Community Engagement Committee to present information about racial disparities to key stakeholders and to gather input about potential strategies to reduce them; and

Whereas, in 2011 the Task Force directed the Stakeholder and Community Engagement Committee to work with the Metro Talking Circle (an independent group of volunteers) to use input gathered by the committee, as well as other research, to draft a *Minneapolis Racial Economic Equity Report*; and

Whereas, a key recommendation of the Task Force calls for the City to take the lead by first focusing on its own policies and practices, and recommends that the City improve its efforts to influence, coordinate and collaborate better with service providers, businesses and other public, nonprofit and private partners throughout the region; and

Whereas, in 2012 the City Council Amended the City's Employment and Income Sustainability Indicator targets to include one measure specifically focused on the racial employment disparity; and

Whereas, in 2012 the City initiated the One Minneapolis program to address the employment disparity by leveraging public and private partnerships and resources; and

Whereas, in 2012 the City added an annual Eliminating Racial Employment Disparities report to the Results Minneapolis process in which one key strategy calls for the City to adopt a regional approach to addressing unemployment disparities; and

Whereas, the Ramsey County Workforce Investment Board, with the support of the City of Saint Paul and Ramsey County, convened the Blue Ribbon Commission on Racial Employment Disparities in 2011 and developed Everybody In: A Report to Reduce Racial Employment Disparities in the Ramsey County Metropolitan Area; and

Whereas, the Ramsey County Board is continuing its work in partnership with the City of Saint Paul and the Minneapolis Workforce Council and has formally requested the participation of the City of Minneapolis in order to create a regional collaboration that will implement strategies identified in the *Everybody In* report,

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That institutional racism, discrimination and racial employment disparities in Minneapolis are serious problems that must be solved.

Be It Further Resolved that the City of Minneapolis reaffirms its commitment to being a city where everyone can thrive economically and where race will no longer predict an individual's level of educational attainment, likelihood of going to prison, life expectancy, income or employment status.

Be It Further Resolved that the City of Minneapolis will lead by example and better incorporate racial equity into all City policies and practices and demonstrate how an institution can openly, responsibly and effectively address this issue with commitment and concrete actions.

Be It Further Resolved that the City Coordinator, CPED Director and Civil Rights Director will engage with other department heads, staff and key stakeholders through the Minneapolis Workforce Council to:

- Develop and implement an Equity Assessment Toolkit to inform City budget, policy and program decisions, including the annual City budget, hiring, retention, employee training, promotion, contracting and purchasing,
- Assess and implement, where appropriate, the recommendations of the Equity in Employment Task Force,
- Recommend fair hiring provisions to be added to the Minneapolis Code of Ordinances,
- Provide a report on the development of the Equity Assessment Toolkit and implementation of Task Force recommendations to the Public Safety, Civil Rights and Health committee on or before October 24, 2012.

Be It Further Resolved that the City of Minneapolis will formally join the Ramsey County Blue Ribbon Commission's *Everybody In* regional collaboration to reduce racial employment disparities, appoint a Council Member to the *Everybody In* Steering Committee, and direct the Civil Rights Director to identify and direct staff to serve on the *Everybody In* Steering Committee and Implementation Team.

Be It Further Resolved that the City supports and encourages efforts by all employers in Minneapolis to hire, retain and promote more people of color and that the City will continue to collaborate more

intentionally with private, public and nonprofit partners to close racial employment disparities in the metropolitan region.

Adopted.

# The PUBLIC SAFETY, CIVIL RIGHTS & HEALTH and WAYS & MEANS/BUDGET Committees submitted the following reports:

**PSC&H & W&M/Budget** – Your Committee recommends the proper City officers be authorized to apply for a three-year research grant from the US Department of Health and Human Services for an amount not to exceed \$300,000 per year beginning February 1, 2013, for the purpose of developing a system to encourage father involvement in caregiving to support healthy outcomes for their children and families.

Adopted.

**PSC&H & W&M/Budget** – Your Committee recommends passage of the accompanying resolution approving donations of dog and cat supplies for the care of animals at Minneapolis Animal Care and Control.

Adopted.

Resolution 2012R-457, approving donations of dog and cat supplies for the care of animals at Minneapolis Animal Care & Control, was adopted by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

# RESOLUTION 2012R-457 By Samuels

# Approving donations of dog and cat supplies for the care of animals at Minneapolis Animal Care & Control.

Whereas, the City of Minneapolis is generally authorized to accept donations of real and personal property pursuant to Minnesota Statutes Section 465.03 for the benefit of its citizens, and is specifically authorized to accept gifts and bequests for the benefit of recreational services pursuant to Minnesota Statutes Section 471.17; and

Whereas, the following persons and entities have offered to contribute the gifts set forth below to the city:

Renee Davon 1 Beef hide twist treats

MACC Volunteers 1 Kong ball, Kong stuff'n, twists raw hide beef sticks, 4 boxes IAMS dog biscuits

(24 oz each), and 1 box Zuke's mini bakes dog biscuits (16 oz)

Debra Ahlman 4 Zuke's mini natural dog treats (16 oz each), and 1 Zuke's Natural Purrz cat

treats

Alyssa Ambroz 15 fleece tied blankets, 1 cat cage

Dr. Terri Derr 5 dog and cats Kong toys, 3 bags Kong Stuff'n morsels, 3 Kong Stuff'n Cream

Cheese Spread for dog Kongs, 3 Kong Stuff'n Salmon Spread for cat Kongs, 1

poster

Kristan Miller 10 bags Milo's Kitchen dog treats (3 oz each), 10 bags Purina Beggin' Little dog

treats (6 oz each)

Whereas, no goods or services were provided in exchange for said donation;

Whereas, all such donations have been contributed to assist the city in providing Animal Care and meeting our goals of Responsible Pet Ownership, as allowed by law; and

Whereas, the City Council finds that it is appropriate to accept the donations offered; Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the donations described above are accepted and shall be used for the animals cared for at Minneapolis Animal Care and Control.

Adopted.

**PSC&H & W&M/Budget** – Your Committee recommends the proper City officers be authorized to negotiate and execute a new Lease Agreement for storage space with Classic Space, Incorporated for a five-year period, not to exceed \$50,000 annually; no additional appropriation required. Adopted.

### The REGULATORY, ENERGY & ENVIRONMENT Committee submitted the following reports:

**RE&E** - Your Committee recommends passage of the accompanying resolution granting Liquor and Wine Licenses to the following businesses:

- a) Elevated Beer Wine & Spirits, 4135 Hiawatha Ave (new business)
- b) Gorkha Palace, 23 4th St NE (upgrade of license and permanent expansion of premises for outdoor patio)
  - c) Gray House, 610 W Lake St (new business)
  - d) Piccolo, 4300 Bryant Ave S (amended business plan to expand interior seating). Adopted.

Approved by Mayor Rybak 8/31/2012.

(Published 9/5/2012)

Resolution 2012R-458, granting Liquor and Wine Licenses to Elevated Beer Wine & Spirits, 4135 Hiawatha Ave; Gorkha Palace, 23 4th St NE; Gray House, 610 W Lake St; and Piccolo, 4300 Bryant Ave S, was adopted by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

# RESOLUTION 2012R-458 By Glidden

### **Granting Liquor and Wine Licenses.**

Resolved by The City Council of The City of Minneapolis:

That the following applications for licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances:

### Off-Sale Malt Liquor, to expire July 1, 2013

Longfellow Brewing Company LLC, dba Elevated Beer Wine & Spirits, 4135 Hiawatha Ave (new business)

### On-Sale Wine Class C-2 with Strong Beer, to expire April 1, 2013

Manaslu Group LLC, dba Gorkha Palace, 23 4th St NE (upgrade of license and permanent expansion of premises)

### On-Sale Wine Class E with Strong Beer, to expire April 1, 2013

The Gray House LLP, dba Gray House, 610 W Lake St (new business)

The Chestnut Tree Inc, dba Piccolo, 4300 Bryant Ave S (amended business plan).

Adopted.

Approved by Mayor Rybak 8/31/2012.

**RE&E -** Your Committee recommends passage of the accompanying resolution approving Business License Operating Conditions relating to the On-Sale Liquor Class B with Sunday Sales License held by Tibet Kitchen Bar & Restaurant, 1833 Nicollet Ave.

Resolution 2012R-459, approving Business License Operating Conditions relating to the On-Sale Liquor Class B with Sunday Sales License held by Tibet Kitchen Bar & Restaurant, 1833 Nicollet Ave, was adopted by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

# RESOLUTION 2012R-459 By Glidden

Approving Business License Operating Conditions relating to the On-Sale Liquor Class B with Sunday Sales License held by Tibet Kitchen Bar & Restaurant, 1833 Nicollet Ave.

Resolved by The City Council of The City of Minneapolis:

That it approves the following Business License Operating Conditions relating to the On-Sale Liquor Class B with Sunday Sales License held by Tibet Kitchen Bar & Restaurant, 1833 Nicollet Ave:

- 1. The ownership of Tibet Kitchen Bar and Restaurant agrees to close the business at Midnight daily. All entertainment and music must cease at 11:45 p.m. All patrons must leave the business by 12:30 a.m.
- 2. The ownership of Tibet Kitchen Bar and Restaurant agrees to employ one off-duty City of Minneapolis police officer with a marked squad car Thursday through Sunday nights from 8:00 p.m. until closing time.
- 3. The ownership of Tibet Kitchen Bar and Restaurant agrees to furnish one security guard as defined in Minnesota Statute 326.32, Subdivision 13, who will maintain security on-site from 7:00 p.m. until one-half hour after closing Monday through Wednesday nights.
- 4. The ownership of Tibet Kitchen Bar and Restaurant agrees to have security provide routine patrols every 30 minutes.
- 5. The ownership agrees to not allow entry or service of patrons who are intoxicated and trespass customers that are refused service due to over intoxication, creating a disturbance, or other disruptions.
  - 6. Patrons who become disorderly will be escorted off the property.
  - 7. Loitering will not be permitted inside the business or on the property outside.
- 8. The ownership of Tibet Kitchen Bar and Restaurant agrees to maintain their video surveillance system and have 30 days of recorded memory available from your surveillance system from all four cameras and if requested by Minneapolis Police or Business Licensing, the recordings will be provided within eight hours of the request.
- 9. The ownership agrees to offer medical or emergency response to any patron or staff member who are injured that may require medical attention. If an injury is severe and a person is unable to care for themselves, medical or emergency response will be made on their behalf. If a crime occurs, security and staff will call Minneapolis Police and cooperate with responding officers.
- 10. Tibet Kitchen Bar and Restaurant will not promote or provide any "happy hours" or other alcoholic drink specials after 8:00 p.m. daily.
- 11. Tibet Kitchen Bar and Restaurant agrees to have a professional trained manager on-site during business hours.

Adopted.

**RE&E** - Your Committee recommends passage of the accompanying resolution granting applications for Liquor, Wine and Beer Licenses.

Resolution 2012R-460, granting applications for Liquor, Wine and Beer Licenses, was adopted by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

# RESOLUTION 2012R-460 By Glidden

### Granting Liquor, Wine and Beer Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for liquor, wine and beer licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances (Petn No 275950):

### On-Sale Liquor Class B with Sunday Sales, to expire September 15, 2012

Appian Way Company LLC, dba The Crooked Pint Alehouse, 501 Washington Ave S (September 15, 2012, 2:00 p.m. to 10:00 p.m., Outdoor Tailgate Party Notre Dame)

### On-Sale Liquor Class B with Sunday Sales, to expire July 28, 2012

Cedar Point Inc, dba Palmers Bar, 500 Cedar Ave S (July 28, 2012, 1:00 p.m. to 10:00 p.m., Annual Music Festival)

### **Temporary On-Sale Liquor**

Northern Clay Center, dba Northern Clay Center, 2424 E Franklin Ave (September 7, 2012, 5:00 p.m. to 9:00 p.m., American Pottery Festival).

Adopted.

**RE&E** - Your Committee recommends passage of the accompanying resolution granting applications for Business Licenses.

Adopted.

Resolution 2012R-461, granting applications for Business Licenses, was adopted by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

# RESOLUTION 2012R-461 By Glidden

# Granting applications for Business Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for business licenses (including provisional licenses) as per list on file and of record in the Office of the City Clerk under date of August 31, 2012 be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 275950):

Car Wash; Extended Hours; Food Market Distributor; Farm Produce Permits; Ice Producer – Dealer/Wholesale; Institutional Food Service; Food Manufacturer; Drive In Food; Restaurant; Short-Term Food Permit; Seasonal Short Term Food; Gasoline Filling Station; Heating, Air Conditioning & Ventilating Class A; Motor Vehicle Dealer – Used Only; Motor Vehicle Repair Garage; Motor Vehicle Repair Garage with Accessory Use; Commercial Parking Lot Class A; Antique Dealer Class B; Sign Hanger; Swimming Pool – Public; Tattooist/Body Piercer Establishment; Taxicab Vehicle – Wheelchair Access; Taxicab Vehicle; Taxicab Vehicle Non-Transferable; Combined Trades.

**RE&E** - Your Committee recommends passage of the accompanying resolution granting applications for Gambling Licenses.

Adopted.

Resolution 2012R-462, granting applications for Gambling Licenses, was adopted by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

### RESOLUTION 2012R-462 By Glidden

# **Granting applications for Gambling Licenses.**

Resolved by The City Council of The City of Minneapolis:

That the following applications for gambling licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances (Petn No 275950):

### Gambling Exempt

St. Bridget Church, dba St. Bridget Church, 3811 Emerson Ave N (Bingo, Raffle and Pulltabs August 26, 2012, Sojouner Truth Academy)

Youth Performance Company, dba Youth Performance Company, 3338 University Ave SE (Raffle August 8, 2012)

Be The Match Foundation, dba Be The Match Foundation, 3001 Broadway St NE, Suite 601 (Raffle September 5, 2012, Hilton Minneapolis)

Children's Theatre Company, dba Children's Theatre Company, 2400 3rd Ave S (Raffle September 8, 2012)

Courage Center, dba Courage Center, 3915 Golden Valley Rd (Raffle September 8, 2012, Target Field)

Church of All Saints, dba Church of All Saints, 435 4th St NE (Bingo, Raffle and Pulltabs September 9, 2012)

Church of St. Helena, dba Church of St. Helena, 3204 E 43rd St (Bingo, Raffle and Pulltabs September 14 – 16, 2012)

Minnesota Minority Supplier Development, dba Minnesota Minority Supplier Development, 111 3rd Ave S, Suite 240 (Raffle September 27, 2012, Minneapolis Convention Center)

Lyndale Neighborhood Association, dba Lyndale Neighborhood Association, 3537 Nicollet Ave (Raffle September 28, 2012, Lyndale Community Center)

St. John the Baptist Catholic Church, dba St. John the Baptist Catholic Church, 2215 3rd St NE (Bingo, Raffle, Paddlewheels and Pulltabs October 7, 2012)

Doing Good Together, dba Doing Good Together, 5141 16th Ave S (Raffle October 11, 2012, Le Meridien Chambers Minneapolis Hotel)

Church of the Holy Cross, dba Church of the Holy Cross, 1621 University Ave NE (Bingo November 11, 2012, Church of the Holy Cross)

Accessibility, Inc, dba Accessibility, Inc, 360 Hoover St NE (Raffle September 27, 2012). Adopted.

**RE&E** - Your Committee, having under consideration the Rental Dwelling License for the property located at 1038 19th Ave SE, and having received an acceptable management plan for the property and verification that said property is now in compliance with rental licensing standards, now recommends concurrence with the recommendation of the Director of Regulatory Services to approve the reinstatement of said license to be held by Joel Hussong.

**RE&E** - Your Committee, having under consideration the Rental Dwelling License for the property located at 2618 18th Ave S, and having received an acceptable management plan for the property and verification that said property is now in compliance with rental licensing standards, now recommends concurrence with the recommendation of the Director of Housing Inspections to approve the reinstatement of said license to be held by Paul M. Wichmann.

**RE&E** - Your Committee, having under consideration the application of Meadows and Fitness LLC, dba Snap Fitness, 5409 Penn Ave S, for an Extended Hours License (new business) to operate 24 hours per day to expire May 1, 2013, and having held a public hearing thereon, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted.

Adopted.

- **RE&E** Your Committee, having under consideration a proposal by the United States Army Corps of Engineers to limit operating hours for locks and dams located in Minneapolis on the Mississippi River from 24 hours a day to 7:00 a.m. to 2:00 a.m. during the navigation season, now recommends the following:
- a) that the proper City officers be authorized to submit comments to the Deputy Chief of Operations of the local office of the Army Corps of Engineers in accordance with the summary as contained in the staff report on file in the office of the City Clerk.
- b) that staff from the Department of Community Planning & Economic Development, the Finance Department and the City Coordinator's Office be directed to report to the Community Development Committee in two cycles on the process of closing the upper harbor terminal. The report to the Committee shall include a review of the Metropolitan Council's report of the economic impact related to the closure of the lock and dam.

Hofstede moved that the report be amended to include in the summary of comments to the Army Corps of Engineers the following statement of support that was previously adopted by the City Council on December 9, 2011 relating to the Asian Carp Action Plan, as follows:

The City of Minneapolis supports the Asian Carp Action Plan as drafted on November 2, 2011, and that the City strongly supports all preventive measures downstream, and funding, that keep Asian Carp out of all Minnesota waterways.

Minneapolis also supports federal legislation granting the authority to the US Army Corps to temporarily close the St. Anthony Falls Lock and Dam and/or Lock and Dam #1 if certain Minnesota DNR established, and continually measured, criteria for the detection of Asian Carp are met (consistent with criteria within the federal legislation granting the closure authority).

Minneapolis will only support a permanent closure or a permanent fish barrier at the St. Anthony Falls and/or Lock and Dam #1 after the conclusion of a federally authorized and funded feasibility study of the impacts of such a closure on the City of Minneapolis and the rest of the State of Minnesota (as partially outlined in section 2.1 of the report). This study must include an opportunity for local input and review.

That any permanent closure of the St. Anthony Falls and/or Lock and Dam #1 must only be authorized when state and federal resources have been identified and funded to assist the City with any relocation, redevelopment and restoration costs made necessary by the ending or limiting of navigation above Lock and Dam #1.

Lost upon a voice vote.

The report was adopted.

# The REGULATORY, ENERGY & ENVIRONMENT and WAYS & MEANS/BUDGET Committees submitted the following report:

RE&E & W&M/Budget - Your Committee, having under consideration the Haaf Parking Ramp 40kW Photovoltaic installation, now recommends that the proper City officers be authorized to execute Amendment No. 1 to Contract No. C-35272 with West Central Telephone to increase the amount by \$15,038, for a new total amount not to exceed \$197,690, to accommodate a change to the installation (utility relay) as required by Xcel Energy. The construction contingency provided as part of the original project budget is adequate to fund the contract amendment and no additional appropriation is required. Adopted.

# The TRANSPORTATION & PUBLIC WORKS Committee submitted the following reports:

**T&PW** - Your Committee, having under consideration the Van White Memorial Blvd Construction Project, now recommends that the proper City officers be authorized to execute an amended agreement with Hennepin County prescribing the terms and conditions of County cost participation toward the construction of Van White Memorial Blvd through project completion in 2013.

Adopted.

Absent - Hofstede.

**T&PW** - Your Committee, having under consideration the LynLake Municipal Parking Lots which had an operating profit that exceeded 2012 assessments, now recommends:

- a) That no special assessment proceeding is necessary for payable 2013 for the LynLake Parking Lots; and
- b) The establishment of impact fees for the period of September 1, 2012 through August 31, 2013 at \$940 per stall for businesses that had licenses, permits, or City-approved plans to expand their businesses as of September 1, 1998, and \$1,885 per stall for new businesses.

Adopted.

Absent - Hofstede.

# The TRANSPORTATION & PUBLIC WORKS and WAYS & MEANS/BUDGET Committees submitted the following reports:

**T&PW & W&M/Budget** - Your Committee, having under consideration the 33rd Ave SE and Talmage Ave SE Street Reconstruction Project No 2225, now recommends that the proper City officers be authorized to execute a settlement agreement with Victory and Vision, LLC in the amount of \$170,183.50 due to changes to building access due to grade changes on 33rd Ave SE. At the request of the property owner, Victory and Vision, LLC, the settlement payment should be made to Veit Container Corporation.

Adopted.

Absent – Hofstede.

Approved by Mayor Rybak 8/31/2012.

(Published 9/5/2012)

**T&PW & W&M/Budget** - Your Committee recommends that the proper City officers be authorized to amend the Cooperative Funding Agreement with Hennepin County for expenses related to the repair of the Martin Olav Sabo Bridge through July 1, 2014, including an increase in the amount to pay from the General Fund (00100-6070200-607P0912) to \$225,000 and to allow the City to receive up to \$25,000 of reimbursement for costs incurred in the interim reopening of the bridge.

Adopted.

Absent - Hofstede.

**T&PW & W&M/Budget** - Your Committee recommends acceptance of the second low bid submitted to the Public Works Department on OP No 7635 from Municipal Builders, Inc., in the amount of \$4,667,103.00, to furnish and deliver all labor, materials, equipment, and incidentals necessary to construct a new anhydrous ammonia storage and feed system at the Fridley Filtration Plant.

Your Committee further recommends that the proper City officers be authorized and directed to execute a contract for said service, all in accordance with City specifications and contingent upon approval of the Civil Rights Department.

Adopted.

Absent - Hofstede.

### The WAYS & MEANS/BUDGET Committee submitted the following reports:

**W&M/Budget** - Your Committee recommends passage of the accompanying resolution authorizing the settlement of legal matters, as recommended by the City Attorney.

Adopted. Yeas, 12; Nays,1 as follows:

Yeas - Quincy, Glidden, Goodman, Hodges, Samuels, Gordon, Reich, Hofstede, Schiff, Lilligren, Colvin Roy, Tuthill.

Nays - Johnson.

Resolution 2012R-463, authorizing settlement of *Mahmood Khan v. City of Minneapolis (Consolidated Assessment Appeal)* was adopted by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

# RESOLUTION 2012R-463 By Hodges

### Authorizing legal settlement.

Resolved by The City Council of The City of Minneapolis:

That the City Attorney is authorized to proceed with the settlement of *Mahmood Khan v. City of Minneapolis (Consolidated Assessment Appeal)*, by authorizing the Director of Inspections to withdraw all 13 special assessments levied in 2011 against 3420 Chicago Ave. S., withdraw an assessment of \$275 against 3557 Dupont Ave. N., waive the pending 2012 Vacant Building Registration Fee for 2631 Newton Ave. N., and withdrawing Finance Department special assessments for \$155.27 on 4000 Dupont Ave. N. and \$1,052.53 on 2906 Emerson Ave. N.

Further, authorize the City Attorney's Office to execute any documents necessary to effectuate the settlement.

Adopted. Yeas, 12; Nays,1 as follows:

Yeas - Quincy, Glidden, Goodman, Hodges, Samuels, Gordon, Reich, Hofstede, Schiff, Lilligren, Colvin Roy, Tuthill.

Nays - Johnson.

**W&M/Budget -** Your Committee recommends approval of the October 2012 utility billing insert on behalf of Public Works providing information about fall street sweeping and yard bags and brush collection. (Petn 275962)

Adopted.

**W&M/Budget** - Your Committee recommends that the proper City officers be authorized to execute an amendment to Contract C-28624 with Cedar Ridge Landscaping to extend the term through September 15, 2012, and increase the contract amount by \$18,461.88 for a revised total amount of \$458,461.88, for contract close-out and final payment on landscaping work done at the Convention Center.

**W&M/Budget** - Your Committee recommends that the proper City officers be authorized to execute an amendment to Contract 03-00014A with Doody Mechanical, now Metropolitan Mechanical, Inc., to extend the term through September 15, 2012, and increase the contract amount by \$121,987.98 for a revised total amount of \$221,987.98, for contract close-out and final payment on set-up and tear-down of plumbing systems for show activity and emergency repairs at the Convention Center.

Adopted.

**W&M/Budget** - Your Committee recommends passage of the accompanying resolution authorizing the acceptance of the non-monetary gifts of conference participation and related travel expenses for the participation of Otto Doll, Chief Information Officer, in three fall 2012 technology conferences. Adopted.

Resolution 2012R-464, accepting gifts of conference participation and related travel expenses for the Chief Information Officer's participation in technology conferences, was adopted by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

# RESOLUTION 2012R-464 By Hodges

Accepting gifts of conference participation and related travel expenses for the Chief Information Officer's participation in technology conferences.

Whereas, the City of Minneapolis is generally authorized to accept donations of real and personal property pursuant to Minnesota Statutes Section 465.03 for the benefit of its citizens, and is specifically authorized to accept gifts and bequests for the benefit of recreational services pursuant to Minnesota Statutes Section 471.17; and

Whereas, the following persons and entities have offered to contribute the gifts set forth below to the city:

Name of Donor	<u>Gift</u>
Metropolitan Information Exchange	Conference expenses including lodging, and meals for Minneapolis CIO; for participation in the MIX Annual Conference, September 16-20, 2012 in Vail, Colorado.
Unisys Corporation	Conference registration, lodging, meals and ground transportation to and from the airport for Minneapolis CIO; for participation in the Fall Unisys North America Exchange Forum, October 8 and 9, 2012 in San Antonio, Texas.
Center for Digital Government	Airfare, retreat expenses, lodging and ground transportation to and from the airport to the event center for Minneapolis CIO; for participation in re: Public Leadership Retreat and CIO Leadership Group, November 11–13, 2012 in Tucson, Arizona.

Whereas, no goods or services were provided in exchange for said donation;

Whereas, all such donations have been contributed to assist the city in participating in out-of-town IT conferences; sharing ideas and challenges with public sector peers and industry experts; and keeping current with IT trends, opportunities and solutions for local government, as allowed by law; and

Whereas, the City Council finds that it is appropriate to accept the donations offered.

Now, Therefore, Be It Resolved By The City Council Of Minneapolis:

That the donations described above are accepted and shall be used for efficient and effective leadership and management of the City's IT Department.

Adopted.

**W&M/Budget** - Your Committee, having under consideration the authorization of a contract with PricewaterhouseCoopers for professional advisory services for the Accounts Payable review, included in the 2012 Internal Audit Plan, now recommends that this authorization be sent forward without recommendation.

Hofstede moved that the report be referred back to the Ways & Means/Budget Committee. Seconded.

Adopted upon a voice vote.

**W&M/Budget** - Your Committee recommends passage of the accompanying resolution authorizing the acceptance of the non-monetary gift of a report by McKinsey and Co. that will provide a strategic analysis of data sets from the public sector and report findings that will lead to targeted strategies that prevent youth violence and promote healthy youth development, expected to be completed and submitted by February of 2013.

Adopted.

Resolution 2012R-465, accepting donated report from McKinsey and Co. relating to strategies for youth violence prevention, was adopted by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

# RESOLUTION 2012R-465 By Hodges

Accepting donated report from McKinsey and Co. relating to strategies for youth violence prevention.

Whereas, the City of Minneapolis is generally authorized to accept donations of real and personal property pursuant to Minnesota Statutes Section 465.03 for the benefit of its citizens, and is specifically authorized to accept gifts and bequests for the benefit of recreational services pursuant to Minnesota Statutes Section 471.17; and

Whereas, the following persons and entities have offered to contribute the gifts set forth below to the city:

Name of Donor Gift

McKinsey and Co. A report that will provide a strategic analysis of data sets from

the public sector and report findings that will lead to targeted strategies that prevent youth violence and promote healthy youth development. It will include recommendations for public school and public health officials for youth violence prevention efforts of

the future.

It is expected that this Report will be completed and submitted by

February of 2013.

Whereas, no goods or services were provided in exchange for said donation;

Whereas, all such donations have been contributed to assist the city in preventing youth violence, as allowed by law; and

Whereas, the City Council finds that it is appropriate to accept the donations offered.

Now, Therefore, Be It Resolved By The City Council Of Minneapolis:

That the donations described above are accepted and shall be used for the public purposes of advancing the City Goal of A Safe Place to Call Home.

Adopted.

**W&M/Budget -** Your Committee recommends passage of the accompanying resolution approving terms of the collective bargaining agreement with Water Works Maintenance Unit, Plumbers Local No 15, AFL-CIO, effective January 1, 2011 through December 31, 2012.

Adopted.

Resolution 2012R-466, approving a 24-month labor agreement with Water Works Maintenance Unit, Plumbers Local No 15, AFL-CIO, was adopted by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

# RESOLUTION 2012R-466 By Hodges

Approving the terms of a collective bargaining agreement with the Water Works Maintenance Unit, Plumbers Local No 15, AFL-CIO, and authorizing execution and implementation of said agreement.

Resolved by The City Council of The City of Minneapolis:

That the executive summary of the collective bargaining agreement between the City of Minneapolis and the Water Works Maintenance Unit, Plumbers Local No 15, AFL-CIO, (Petn No 275964), be approved.

Be It Further Resolved that the proper City officers be authorized to prepare and execute said collective bargaining agreement consistent with the terms of the executive summary and that the Human Resources Director be authorized to implement the terms and conditions of the collective bargaining agreement upon its execution.

Adopted.

### The ZONING & PLANNING Committee submitted the following reports:

**Z&P** – Your Committee, having under consideration the Stadium Village University Avenue Station Area Plan, now recommends concurrence with the recommendation of the Planning Commission to approve the plan document and to amend the policy guidance for the area into the City's Comprehensive Plan, pending review and approval by the Metropolitan Council.

Adopted.

**Z&P** – Your Committee concurs in the recommendation of the Planning Commission in granting the petition of CPM Development LLC (BZZ-5641) to rezone the property at 414 7th Ave SE from R2B Two-family District and UA (University Area) Overlay District to the R5 Multiple-family District and the UA Overlay District to allow for the conveyance of approximately 4,920 square feet of property to the abutting parcel to the east in order to allow for the development of the mixed-use Andrew Riverside Project, and adopting the related findings prepared by the Department of Community Planning & Economic Development.

Your Committee further recommends passage of the accompanying ordinance amending the Zoning Code.

Ordinance 2012-Or-060 amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally,* rezoning the property at 414 7th Ave SE to the R5 Multiple-family District and the UA (University Area) Overlay District, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2012-Or-060
By Schiff
1st & 2nd Readings: 8/31/2012

Amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 521.30 of the above-entitled ordinance be amended by changing the zoning district for the following parcel of land, pursuant to MS 462.357:

That part of the northwesterly 1/2 of Lot 2, and all of Lots 3, 4, 5, 6, 7 and 8, Block 4, St. Anthony Falls, Hennepin County, Minnesota (414 7th Avenue Southeast - Plate #15) to the R5 Multiple-family District and the UA (University Area) Overlay District.

Adopted.

- **Z&P** Your Committee, having under consideration the application of Hennepin County Property Services for an interim use permit (BZZ-5717) for a 92 space parking facility primarily intended for NorthPoint Health & Wellness Center at 2201 Plymouth Ave N, 1245 Penn Ave N, and 2215 Plymouth Ave N for a five-year period, now recommends adoption of the findings of Community Planning & Economic Development staff, and approval of the application subject to the following amended conditions:
  - 1. The interim use shall expire no later than November 15, 2017.
- 2. No solid fences greater than three feet shall be constructed in the required front yards along Penn Ave N and Queen Ave N.
- 3. Approval of the final site and elevation plans by the Department of Community Planning and Economic Development Planning Division.
- 4. All site improvements shall be completed by November 15, 2013 unless extended by the Zoning Administrator or the permit may be revoked for non-compliance. Adopted.
- **Z&P** Your Committee, having under consideration the application of France 44 LLC for a waiver from Interim Ordinance 2012-Or-035, providing for a moratorium on large-scale development within neighborhood commercial nodes and along community corridors in the Linden Hills Neighborhood passed May 11, 2012, to allow the applicant to proceed with the submittal of land use applications for a 60 unit, multi-family residential building that varies in height from two to four stories and has a floor area ratio (FAR) of more than one and seven-tenths (1.7) on the properties located at 4525, 4529, 4537 and 4541 France Ave S, now recommends that said waiver be approved and that the findings prepared by the Department of Community Planning & Economic Development be adopted.

Hodges moved a substitute motion to deny the request for a waiver from the moratorium by France 44 LLC, and to direct staff of the Attorney's office to draft findings of fact in accordance with the decision for adoption by the City Council at its next regular meeting. Seconded.

Adopted. Yeas, 9; Nays, 4 as follows:

Yeas - Quincy, Glidden, Hodges, Samuels, Gordon, Hofstede, Lilligren, Colvin Roy, Tuthill.

Nays - Goodman, Reich, Schiff, Johnson.

The report, as substituted, was adopted. Yeas, 9; Nays, 4 as follows: Yeas – Quincy, Glidden, Hodges, Samuels, Gordon, Hofstede, Lilligren, Colvin Roy, Tuthill. Nays – Goodman, Reich, Schiff, Johnson.

#### RESOLUTIONS

Resolution 2012R-467, celebrating the 2012-13 One Minneapolis One Read and Diane Wilson's book "Spirit Car: Journey to a Dakota Past.", was adopted by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

#### **RESOLUTION 2012R-467**

By: Glidden, Reich, Gordon, Hofstede, Johnson, Samuels, Lilligren, Goodman, Schiff, Tuthill, Quincy, Colvin Roy, Hodges

Celebrating the 2012-13 One Minneapolis One Read and Diane Wilson's book "Spirit Car: Journey to a Dakota Past."

Whereas, the City of Minneapolis has commenced the City's second community read in which everyone in Minneapolis is encouraged to read the same book and join in a community conversation; and Whereas, the book selected for the 2012 One Minneapolis One Read is "Spirit Car: Journey to a Dakota Past," a collection of vignettes written by Minnesotan Diane Wilson to honor her Dakota family, starting with the U.S.-Dakota War of 1862; and

Whereas, the goals of One Minneapolis One Read are that reading this book together as a community will bring family members and neighbors together around the joy of reading and discussion; encourage conversation about race, family relationships and local history; reconnect neighbors and family members separated by race, culture and generation; and build a welcoming community that is willing to preserve and learn our history in the context of race; and

Whereas, One Minneapolis One Read was originally inspired by a group of neighbors who came together after a local issue highlighted a racial divide in the community; and

Whereas, the City of Minneapolis thanks the many partners that have made One Minneapolis One Read possible, including Hennepin County Library, the Minneapolis Public Schools, and many other public, nonprofit and private partners who have contributed time, financial support, and in-kind goods; and

Whereas, the City of Minneapolis and its partners have planned a series of events in 2012 and 2013 to promote One Minneapolis One Read and to foster community engagement and participation at all levels;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the Mayor and City Council of the City of Minneapolis hereby designate Sept. 19-24 as One Read Week and encourage all Minneapolitans to participate in One Minneapolis One Read by reading "Spirit Car: Journey to a Dakota Past" and joining the community conversation.

Be It Further Resolved that the Mayor and City Council hereby express our gratitude and appreciation to Diane Wilson, author of "Spirit Car," for her enthusiasm and generosity in supporting One Minneapolis One Read so wholeheartedly; we thank her for her willingness to engage residents in Minneapolis and across the United States in productive conversations about race, family relationships, and local history through discussion of her book, "Spirit Car." Seconded.

Adopted.

Resolution 2012R-468, honoring the Life of Lauren Maker and declaring September 7th, 2012 "Lauren Maker Day" in Minneapolis, was adopted by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

### **RESOLUTION 2012R-468**

By Gordon, Reich, Hofstede, Johnson, Samuels, Lilligren, Goodman, Glidden, Schiff, Tuthill, Quincy, Colvin Roy and Hodges

Honoring the Life of Lauren Maker and declaring September 7th, 2012 "Lauren Maker Day" in Minneapolis.

Whereas, Lauren Maker served the City of Minneapolis for years, as a Policy Aide to Council Member Judy Corrao in the 1980's, as a member of the Housing Board of Appeals and more recently working in the City Coordinator's Office and Civil Rights Department; and

Whereas, Lauren helped the City deliver the first fire truck to Eldoret, Kenya, set up the Cuernavaca and Najaf Sister City designations, staff the U of M Stadium Area Advisory Committee, unveil the Martin Olav Sabo Bridge, and set up arrangements for National League of Cities Energy, Environment and Natural Resources Committee meetings; and

Whereas, Lauren had a passion for women's rights, was a pro-choice activist, lobbied at the Legislature during the campaign for the Equal Rights Amendment and was a founding member of the DFL Feminist caucus; and

Whereas, Lauren loved politics and was very much a part of the political fabric of Minneapolis, managing many local campaigns over the years, for City Council in Wards 3 and 6, for Senate District 61 and her own campaign for judge; and

Whereas, Lauren believed strongly in civic engagement and incorporating the voice of the people in political and policymaking processes; and

Whereas, Lauren loved the Mississippi River, serving on the Above the Falls Citizen Advisory Committee and recently working on a Health Impact Assessment project as part of the planning for park development on the Upper River; and

Whereas, Lauren worked tirelessly to make North Minneapolis a better place to live; and Whereas, Lauren passed away unexpectedly and sadly on July 27th, 2012, while attending the Riverfront Vitality Summit and Celebration;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City of Minneapolis honors the life and many contributions of Lauren Maker, and declares September 7th, 2012, the date of her celebration of life ceremony, to be "Lauren Maker Day" in Minneapolis. Seconded.

Adopted.

### **UNFINISHED BUSINESS**

Pursuant to notice, Schiff moved to introduce an ordinance amending Title 14, Chapter 363 of the Minneapolis Code of Ordinances relating to *Liquor and Beer: Wine Licenses* for first reading and referral to the Regulatory, Energy & Environment Committee (amending the definition of restaurant to allow for more than one musician as permitted entertainment for establishments holding Class C-2 wine licenses). Seconded.

Adopted upon a voice vote.

### **NEW BUSINESS**

Glidden moved concurrence with the determination of the Director of Housing Inspection Services that the property located at 1916 Hillside Ave N be constituted as an immediate hazard to public health and safety, and pursuant to Section 249.30 of the Minneapolis Code of Ordinances, that the waiver of the 60-day waiting period be approved so as other procedures, set forth in Chapter 249, may be implemented immediately. Seconded.

Johnson moved to:

- 1. Appoint the following members of the City Council and City staff to a Transition Committee to provide coordination and oversight of the planning needed to reorganize the Department of Regulatory Services:
  - a. Council Vice President Lilligren, Chair
  - b. Council Member Glidden
  - c. Council Member Goodman
  - d. Council Member Reich
  - e. Paul Aasen, City Coordinator, Staff Lead
  - f. Jeremy Hanson Willis, Department of Community Planning & Economic Development Director
  - g. Gretchen Musicant, Minneapolis Department of Health & Family Support Director
  - h. Jay Stroebel, Interim Regulatory Services Director
  - i. Erica Prosser and/or Jennifer O'Rourke, Mayor's Office
- 2. Direct the Transition Committee to meet regularly from September through December 2012, on a schedule set by the Chair and City Coordinator to:
  - Review the Regulatory Services reorganization as proposed in the Mayor's 2013 budget speech and related documents.
  - b. Identify the current Regulatory Services work units that should be considered for assignment into other departments and identify current Regulatory Services work units that should remain together in a reorganized department.
  - c. Identify the necessary Charter and ordinance changes needed to implement the reorganization.
  - d. Identify the key working groups, including other City Council Members and key departmental staff, needed to plan and implement the reorganization and charge those working groups with formulating plans to:
    - i. Integrate the management of work units assigned to other departments;
    - ii. Ensure ongoing activities of the Regulatory Services Department are not interrupted through the transition;
    - iii. Optimize the business processes of working units assigned to other departments and those remaining in the reorganized Inspections Department;
    - iv. Select and appoint a Director for the new Inspections Department;
    - v. Optimize management structures of all the departments involved in the reorganization;
    - vi. Integrate any physical location/office issues into the Facilities, Space and Asset Management (FSAM) process.
  - e. Work with the Ways & Means/Budget Committee Chair, and other key council committee chairs as needed, to integrate the reorganization plan into the 2013 budget process. Seconded.

Adopted.

Lilligren moved to adjourn. Seconded. Adopted upon a voice vote.

Casey Joe Carl, City Clerk

Unofficial Posting: 9/5/2012 Official Posting 9/7/2012 Correction: 2/15/13